

### **IN THE DRAWINGS**

Figure 8 was objected to for not clearly showing the shading of the drawing elements as indicated in the specification. A replacement drawing sheet is corrected herewith to address this objection. In the replacement drawing sheet, color is used to clearly show the shading of elements 560, 565, 570 and 575. Further, color is used to clearly show the shading in lines 2, 4, 10 and 11 of element 580 and to clearly show the shading in lines 2, 3, 9, 10 and 11 of element 585.

No new matter is added by the above changes.

## **REMARKS**

Claims 1-21 were presented for examination and were pending in this application. In an Office Action dated November 17, 2006, claims 1-21 were rejected. Applicants have canceled claims 15 and 17. Applicants have amended claims 4-7, 14, 16 and 18-21; and now respectfully request consideration of the application in view of the above amendment and the following remarks.

### ***Objection to the Oath/Declaration***

The declaration was objected to as failing to identify the application by application number and filing date. Applicants submit herewith a declaration with the required information. Accordingly, Applicants respectfully request that Examiner withdraw the objection to the Oath/Declaration.

### ***Objection to the Drawings***

Examiner has objected to Figure 8. In response to this objection, Applicants are submitting herewith a petition under 37 CFR §1.84(a)(2), including the fee set forth in 37 CFR §1.17(h) and three copies of the color drawings. Applicants have amended the specification to include the language specified in 37 CFR 1.84(a)(2)(iii). Applicants respectfully request that Examiner indicate approval of the replacement drawing sheet in the next official communication.

### ***Claim Objections***

Examiner has objected to claims 4, 7, 8 and 14 because of informalities. Applicant has amended claims 4, 7 and 14 accordingly. Thus, Applicant respectfully submits that all informalities with respect to claims 4, 7, 8 and 14 have been resolved.

### ***Claim Rejections - 35 USC § 112***

Examiner has rejected claims 7, 8 and 16 as allegedly not specifically pointing out and distinctly claiming the subject matter that the Applicants regard as their invention.

Applicants have amended claims 7 and 16 to correct the informalities noted by Examiner. These amendments are made so as to more clearly define the invention, and not to narrow the scope of protection provided by the claims. Based on these amendments, applicants kindly request withdrawal of these rejections and allowance of claims 7, 8 and 16.

***Claim Rejections - 35 USC § 101***

Claims 15-19 were rejected under 35 USC §101 as allegedly being directed to non-statutory subject matter.

Applicants have canceled claims 15 and 17. Applicants have amended claims 16, 18 and 19 to more clearly recite statutory subject matter. Specifically, claims 16, 18 and 19 have been amended to recite a computer program product comprising a computer readable medium encoded with computer-readable instructions. Thus, Applicants respectfully submit that the claims, as amended, meet the requirements of 35 USC §101.

***Claim Rejections - 35 USC § 102***

Claims 1, 3-9, 13-16 and 18-20 were rejected under 35 USC §102(e) as allegedly being anticipated by U.S. Patent No. 6,912,707 to Fontes, Jr. ("Fontes, Jr."). This rejection is respectfully traversed.

Claim 1 recites:

A method of merging first and second computer files wherein the first and second computer files are modified versions of a common computer file, the method comprising the steps of:

producing a first set of stacked diffs between the first computer file and the common computer file;

producing a second set of stacked diffs between the second computer file and the common computer file; and

simultaneously displaying the first and second sets of stacked diffs, wherein common lines of the first and second sets of stacked diffs are aligned and new lines of each of the first and second sets of stacked diffs are aligned with blank lines of the other stacked diff.

Thus, claim 1 recites producing a first set of stacked diffs between a first computer file and a common computer file and producing a second set of stacked diffs between a second computer file and the common computer file. Thus, two sets of stacked diffs are computed by comparing both the first computer file and second computer file to a common computer file. These two sets of stacked diffs indicate differences between the first computer file and the common computer file and the second computer file and the common computer file. The first set of stacked diffs and the second set of stacked diffs are then simultaneously displayed so that lines common to the first set and second set of stacked diffs are aligned and new lines in each stacked diff are aligned with blank lines of the other stacked diff. This compares the first computer file and second computer file to the common computer file and displays the comparison results so differences are easily identified.

In contrast, Fontes, Jr. discloses a method that compares two graphical software objects with each other and generates a file describing the differences between the graphical software objects. Fontes, Jr., Abstract. The method disclosed in Fontes, Jr. compares “a first graphical software object with a second graphical software object” and determines “a difference between the objects.” Fontes, Jr., col. 1, lines 31-33. As an example, Fontes, Jr. provides:

Architect 200 creates base drawing 300 and sends base drawing 300 to engineer 204 via path 202. While engineer 204 is creating revision 600, architect is creating revised base drawing 602. Engineer sends revision 600 back to architect 200, who must then combine the changes made in revised base drawing 602 with the changes made in revision 600.

Fontes, Jr., col. 4, lines 44-50. Thus, Fontes, Jr. discloses comparing a first computer file (e.g., revision 600) with a second computer file (e.g., revised base drawing 602) to determine the differences between the first computer file and the second computer file. However, Fontes, Jr. fails to disclose “producing a first set of stacked diffs between the first computer file and the common computer file” and “producing a second set of stacked diffs between the second computer file and the common computer file.” There is no “common computer file” in Fontes, Jr., which merely compares two graphical software objects with each other, rather than comparing each graphical software element with “a common computer file.” At most, Fontes, Jr. discloses determining differences between a first graphical software object and a second graphical software object; and does not disclose “producing a first set of stacked diffs between the first computer file and the common computer file” and “producing a second set of stacked diffs between the second computer file and the common computer file” as recited in claim 1.

Furthermore, combining Fontes, Jr. with Hughes, Percival and/or Budinsky also fails to remedy the deficient disclosure of Fontes, Jr.

Thus, Applicants respectfully submit that for at least these reasons claim 1 is patentably distinguishable over Fontes, Jr. Therefore, Applicants respectfully request that Examiner reconsider the rejection and withdraw it.

As claims 3-9, 13 and 14 are dependent from claim 1, all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claims 3-9, 13 and 14. Thus,

Applicants respectfully submit that for at least these reasons claims 3-9, 13 and 14 are patentably distinguishable over Fontes, Jr. Therefore, Applicants respectfully request that Examiner reconsider the rejection and withdraw it.

Amended claim 20 similarly recites “producing a first set of stacked diffs between the first computer file and the common computer file and for producing a second set of stacked diffs between the second computer file and the common computer file” so all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claim 20. Thus, Applicants respectfully submit that for at least these reasons claim 20 is patentably distinguishable over Fontes, Jr. Therefore, Applicants respectfully request that Examiner reconsider the rejection and withdraw it.

Applicants have canceled claim 15.

As claims 16, 18 and 19 are dependent from amended claim 20, all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claims 16, 18 and 19. Thus, Applicants respectfully submit that for at least these reasons claims 16, 18 and 19 are patentably distinguishable over Fontes, Jr. Therefore, Applicants respectfully request that Examiner reconsider the rejection and withdraw it.

***Claim Rejections - 35 USC § 103***

Claim 2 was rejected as allegedly being unpatentable over Fontes, Jr. in view of U.S. Patent No. 6,275,223 to Hughes (“Hughes”). This rejection is respectfully traversed.

As claim 2 is dependent from claim 1, all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claim 2.

Hughes is cited to make up for the deficiency of “the first and second stacked diffs can be scrolled together” in Fontes, Jr. However, the combination of Fontes, Jr. and Hughes still fails to teach or suggest the “producing a first set of stacked diffs between the first computer file and the common computer file” and “producing a second set of stacked diffs between the second computer file and the common computer file” as recited in claim 1. Hughes merely discloses a “process and apparatus for code inspection.” Hughes, col. 3, line 30. To inspect the code, Hughes provides:

The inspect source window display 1500 comprises first and second code display windows 1502, 1502, each code display window displaying lines of source code. First source code display window 1501 displays original source code loaded from the configuration management system. On the same screen, and viewable side by side with the first source code window, second source code window 1501 displays new source code, the new source code being an amended version of the original source code, such that the lines of the original source code are directly comparable to corresponding lines of new source code.

Hughes col. 12, lines 25-35. Hughes merely discloses displaying the original source code and amended source code side by side for manual inspection and does not generate “stacked diffs” comparing a first computer file and a second computer file to a common computer file. As Hughes fails to disclose “producing a first set of stacked diffs between the first computer file and the common computer file” and “producing a second set of stacked diffs between the second computer file and the common computer file,” Hughes fails to cure the deficiencies of Fontes, Jr. Thus, Applicants respectfully submit that for at least these reasons claim 2 is patentably distinguishable over Fontes, Jr and Hughes, both alone and in combination. Therefore, Applicants respectfully request that Examiner reconsider the rejection and withdraw it.

Claims 10, 12, 17 and 12 were rejected as allegedly being unpatentable over Fontes, Jr. in view of U.S. Patent No. 6,226,652 to Percival et al. ("Percival"). This rejection is respectfully traversed.

As claims 10 and 12 are dependent from claim 1, all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claims 10 and 12.

Applicants have canceled claim 17.

As claim 21 is dependent from claim 20, all arguments advanced above with respect to claim 20 are hereby incorporated so as to apply to claim 21.

Percival fails to cure the deficient disclosure of Fontes, Jr. Percival discloses "a method and system for merging a plurality of varying versions of a set of computer files." Percival, col. 1, lines 35-37. In Percival, "a side-by-side view of different part versions" of a set of computer files is presented to a user. Percival, col.4, lines 57-58. This allows a user to view different versions of computer files that have been changed by multiple users and to resolve the different versions by selecting and/or merging the different versions. *See* Percival, col. 6, lines 27-37. However, Percival does not disclose "producing a first set of stacked diffs between the first computer file and the common computer file" and "producing a second set of stacked diffs between the second computer file and the common computer file," but merely discloses displaying different versions of edited computer files for user examination. Hence, Percival fails to cure the deficiencies of Fontes, Jr. Thus, Applicants respectfully submit that for at least these reasons claims 10, 12 and 21 are patentably distinguishable over Fontes, Jr. and Hughes, both alone and in combination. Therefore, Applicants respectfully request that Examiner reconsider the rejection and withdraw it.



Claim 11 was rejected as allegedly being unpatentable over Fontes, Jr. in view of Percival in further view of U.S. Patent No. 6,407,753 to Budinsky et al. (“Budinsky”). This rejection is respectfully traversed.

As claim 11 is dependent from claim 1, all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claim 11.

Budinsky has been cited to disclose the deficiency of “undoing the selection and copying steps” in Fontes, Jr. and Percival. However, the combination of Fontes, Jr., Percival and Budinsky still fails to teach or suggest “producing a first set of stacked diffs between the first computer file and the common computer file” and “producing a second set of stacked diffs between the second computer file and the common computer file” as recited in claim 1. Budinsky merely discloses “a system and method for integrating entities using a graphical user interface (GUI) to provide user-interactive rule-based matching and difference reconciliation.” Budinsky, col. 2, line 66 to col. 3, line 2. The system disclosed in Budinsky merely applies rules, either automatically or responsive to user-selection, to define the composition of entities. *See* Budinsky, col. 5, lines 4-22. However, Budinsky fails to disclose “producing a first set of stacked diffs between the first computer file and the common computer file” and “producing a second set of stacked diffs between the second computer file and the common computer file,” so Budinsky does not cure the deficiencies of Fontes, Jr. and Percival. Thus, Applicants respectfully submit that for at least these reasons claim 11 is patentably distinguishable over Fontes, Jr., Hughes and Percival, both alone and in combination. Therefore, Applicants respectfully request that Examiner reconsider the rejection and withdraw it.

**CONCLUSION**

In sum, Applicants respectfully submit that claims 1-14, 16 and 18-21, as presented herein, are patentably distinguishable over the cited references (including references cited, but not applied). Therefore, Applicants request reconsideration of the basis for the rejections to these claims and requests allowance of them.

In addition, Applicants respectfully invite the Examiner to contact Applicants' representative at the number provided below if the Examiner believes it will help expedite furtherance of this application.

Respectfully submitted,  
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